

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL ROGERS,

Petitioner,

vs.

JAMES WALKER, Warden,

Respondent.

No. C 10-0158 WHA (PR)

No. C 10-0159 WHA (PR)

**ORDER CONSOLIDATING CASE
NOS. C 10-0158 WHA AND C 10-0159
WHA; DISMISSING CASE NO. 10-
0159 WHA; INSTRUCTIONS TO
CLERK**

Petitioner, a California state prisoner proceeding, has filed two petitions for a writ of habeas corpus pursuant to 28 U.S.C. 2254 on the same day. In case number C 10-0158 WHA (PR), he challenges a conviction for murder obtained in San Francisco County Superior Court on April 25, 2006. In case number C 10-0159 WHA (PR), he challenges a conviction for assault and burglary in the same case, although on different grounds. As the two petitions are related to the same state court proceedings and substantially overlap, and in the interests of judicial economy, it is hereby ordered as follows:


1. Case No. C 10-0158 WHA (PR) and C 10-0159 (PR) are **CONSOLIDATED**. The later-filed case, Case No. C 10-0159 WHA (PR) is **DISMISSED**. The deficiency notice sent out in Case No. 10-0159 WHA (PR) (docket number 2) is **VACATED**, and no fee is due in that case.

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1 2. The clerk shall move the petition that has been filed in Case No. 10-0159 WHA (PR),
2 and file it as a supplemental petition in Case No. 10-0158 WHA (PR). The clerk shall close the
3 file in Case No. 10-0159 WHA (PR), and file a copy of this order in both cases.

4 **IT IS SO ORDERED.**

5 Dated: January 27, 2010.

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8 WILLIAM ALSUP
9 UNITED STATES DISTRICT JUDGE